

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 30, 2014
SUBJECT: BZA Case 18884, 1351 Wisconsin Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 774.1, Rear Yard (15 feet required, 2 feet proposed); and
- § 2514.1, Zone District Boundary Line Crossing A Lot (35 feet requested)

Given that the rear of the property is in the R-3 District, OP believes that the rear yard should comply with § 404.1, Rear Yards, which stipulates a 20 foot rear setback for properties located in the R-3 District. The applicant has not requested this relief; however, OP would support a greater degree of rear yard relief to accommodate this development.

II. LOCATION AND SITE DESCRIPTION

Address	1351 Wisconsin Avenue, N.W.
Legal Description	Square 1243, Lot 811
Ward	2, 2E
Lot Characteristics	The long, rectangular lot is 6,584 square feet in area, with 32 feet of frontage along Wisconsin Avenue. The rear of the lot is 31.74 feet in width, and does not abut an alley. The eastern portion of the lot is accessible by an alley that terminates at the north property line at the R-3 portion of the lot.
Zoning	C-2-A – located in low and medium density residential areas with access to highways or rapid transit, and shall include office employment centers, shopping centers and medium-bulk mixed use centers. R-3 – row dwellings mingled with one-family detached dwellings and one-family semi-detached dwellings.
Existing Development	Georgetown Movie Theater and carriage house, permitted in this zone.
Historic District	Georgetown Historic District

Adjacent Properties	Along Wisconsin Avenue, the adjacent properties tend to be commercial or mixed-use commercial and residential. Row dwellings are located east of the subject property.
Surrounding Neighborhood Character	The surrounding neighborhood character is generally medium density mixed-use development consisting of retail and residential. Wisconsin Avenue is a prominent commercial corridor in Georgetown, while the neighborhoods east and west of it are characterized by row dwellings.

III. APPLICATION IN BRIEF

Proposal:	<p>This proposal consists of the redevelopment of the Georgetown Theater to include retail on the first and second floors, offices on the third floor, and residential units on the fourth floor. The existing carriage house located at the rear of the lot, in the R-3 District, would be connected to the theater structure by a one story meaningful connection, and would be converted into a residence. The remainder of the R-3 portion of the lot would function as open space for the private residence. Parking would not be provided on the lot.</p> <p>The proposal requires relief for a zone district boundary line crossing a lot, which allows the transfer of FAR from the R-3 portion of the property to the C-2-A portion. Relief is also required for the rear yard, which will be reduced to two feet, for the connection of the carriage house to the Georgetown Theater.</p>
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-2-A Zone	Proposed	C-2-A Standard	R-3 Standard	Relief
Height §§ 400, 770	35 ft.	50 ft. max.	40 ft. max.	None required
Lot Width § 401	32 ft.	--	40 ft. min.	Existing nonconforming
Floor Area Ratio § 771	2.5 – residential 1.5 – other	2.5	--	None required
Lot Occupancy §§ 403, 772	C-2-A – 100% R-3 – 45%	100% - residential 60% - other	60%	None required
Rear Yard §§ 404, 774	2 ft.	15 ft. min.	20 ft. min.	Required
Side Yard §§ 405, 775	--	None required	--	None required
Court §§ 406, 776	0 ft.	12 ft. min.	0 ft.	None required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 774.1, Rear Yard

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property includes an exceptional situation resulting in a practical difficulty. The Georgetown Theater was constructed in 1913 and is a contributing structure in the Georgetown Historic District. The 19th century carriage house located at the rear of the lot, behind the theater, is also a contributing structure.

The rear portion of the lot, measured approximately 63 feet from the rear property line, is in the R-3 District, which, by-right, would permit a residence or an accessory garage. In reviewing this development, the Old Georgetown Board specified that the carriage house could not be converted into a garage and approved a plan to renovate the carriage house into a residence. The only way in which the structure can be converted into a dwelling is to connect it to the primary structure, which permits it to have a kitchen and restroom. A detached accessory structure would not be permitted to have cooking and bathing facilities. As a result of the meaningful connection, the rear yard would be reduced to two feet.

The exceptional situation in this case is that the contributing carriage house cannot accommodate a use other than a residence, and converting it to a residence requires a connection that reduces the rear yard. Furthermore, the contributing status of the structure limits the extent of its modification, resulting in a practical difficulty in the redevelopment of the property.

ii. No Substantial Detriment to the Public Good

The requested relief would not cause substantial detriment to the public good. The location of the carriage house would not change; it is currently two feet from the rear property line. In addition, neither the footprint nor height of the carriage house would be increased. The meaningful connection, referred to as a loggia in the application, would be only eight feet in height and completely screened by the fence along the south property line, as the fence would be approximately four feet higher than the proposed loggia. Finally, the renovation of the carriage house will be an improvement to the neighborhood, removing trash, pests and vagrants from the property. The private garden will consist of landscape intended to provide a buffer and additional privacy from adjacent residences.

iii. No Substantial Harm to the Zoning Regulations

Granting the variance would not cause substantial harm to the Zoning Regulations. The carriage house would not be increased in area and the meaningful connection would have a low profile of only eight feet in height. The Old Georgetown Board has applied additional design requirements to this project, and has reviewed building materials, landscape and lighting, with the intention of maintaining the historical character of the structure while minimizing its impact on adjacent properties.

b. Special Exception Relief pursuant to § 2514.1, Zone District Boundary Line Crossing A Lot

Section 2514.2 authorizes the Board to approve as a special exception the extension of the regulations governing use, height, and bulk applicable in a less restrictive zoning district into a more restrictive zoning district on the same lot, provided following conditions are satisfied:

- (a) The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding thirty-five feet (35 ft.);*

The proposed addition would not extend into the R-3 District more than 35 feet, as demonstrated in the site plans provided in the submission. The contributing carriage house is located in the R-3 portion of the lot and cannot be modified significantly due to its historic status. Shifting the height and density to the C-2-A portion of the lot allows for a modest addition to the Georgetown Theater that will create additional residential units, as well as the connection of the carriage house to the structure, allowing for the creation of a private residence.

- (b) In authorizing an extension, the Board shall require compliance with § 2514.1(d);*

Section 2514.1(d) relates to the permitted use and bulk of a structure located on a portion of a lot located in the R-1 through R-4 Districts. In this case, the R-3 District permits a floor area ratio of six-tenths (0.6). The applicant has provided calculations verified by the Zoning Administrator that a total additional bulk of 672 square feet is permitted and not exceeded in this application.

- (c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and*

The extension should have no adverse effect upon the present character and future development of the neighborhood. The bulk transferred to the C-2-A portion of the lot is enough to permit a modest third floor addition to the Georgetown Theater to create residential units. This concentrates the density along Wisconsin Avenue, where it is more appropriately located. In addition, the footprint of the theatre would not be modified with this request. The Old Georgetown Board has conducted a design review of this request, has reviewed strategies for lighting and landscaping, and has approved the proposed building materials. As a result, the proposed addition would be complimentary to the historic character of Georgetown and would not impede future development in the neighborhood.

- (d) The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.*

OP makes no recommendation pertaining to design, appearance, screening, location of structures or lighting.

§ 3104.1, Special Exception

The general standards by which the BZA should review special exceptions are set forth in Section 3104.1 and listed below:

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The Zoning Regulations specifically provide a mechanism for property owners burdened with split-zoned properties to request an adjustment to the applicable use regulations subject to certain conditions. The transfer of FAR to the C-2-A portion of this property will allow for the renovation of an iconic structure that is currently in disrepair and create additional residential units on a mixed-use corridor that is in high demand.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The special exception would not adversely affect the use of neighboring properties. The additions to the Georgetown Theater would be minimal, creating a partial third floor and a connection to the existing carriage house located at the rear of the property. The connection between the theater and carriage house would not be visible from adjacent residences, as it will be screened by an existing 12 foot high fence. Additional screening will be provided by landscape that has been reviewed and approved by the Old Georgetown Board.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, no comments have been received from other District Agencies.

VII. COMMUNITY COMMENTS

At its regularly scheduled hearing on December 1, 2014, ANC 2E voted to oppose the applicant's request for relief.

While the Office of Planning has not been contacted with comments, at last check, two separate requests for party status had been filed.

Attachment: Location Map

Location Map

